

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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# MULTIMEDIA UNIVERSITY

## FINAL EXAMINATION

TRIMESTER 3, 2017/2018

**BLR 3084 – LABOUR AND INDUSTRIAL RELATIONS**

(All sections / Groups)

1<sup>st</sup> JUNE 2018

9.00 a.m. - 11.00 a.m.

(2 hours)

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### INSTRUCTIONS TO STUDENT:

1. This Question paper consists of **three (3)** printed pages including the cover page.
2. Answer **ALL FOUR (4)** questions.
3. Please write all your answers in the Answer Booklet.
4. You must support your answer with case law and statutory provisions, where necessary.

**QUESTION 1**

The concept of workman is crucial in industrial relations. In order for the court to decide whether an employee is a workman under the **Industrial Relations Act 1967**, it will examine the nature of the contract between the employer and the employee. Discuss in detail the type and nature of the contract that decides whether the employee is a workman or not. You must set out the definition of a workman and the factors that the court will take into account in the determination of who is a workman. Support your answer with case-law.

(25 Marks)

**QUESTION 2**

Professor Cynthia is a lecturer at the University of Hard Knocks, ("UHK"), Cyberjaya. She has been teaching fashion and design for 18 years at the University. In May 2018, Professor Cynthia received the trimester teaching workload from her Programme Coordinator, Dr. Kay. She was astonished to see that for the first time in her career at UHK, she was not assigned any teaching workload. When she asked Dr. Kay, Kay informed her that she could take it easy that trimester as there were not enough students. Professor Cynthia knew that this was not true as her colleague, Dr. Usha has been complaining that she has too many teaching hours. A couple of days later, the dean of the Faculty, Associate Professor Vicky called her in and told her that she has been assigned to teach college students at the University's college, a position she held when she first joined UHK as a tutor. Dr Vicky informed Professor Cynthia that her salary and other terms and conditions of her employment remain the same. Professor Cynthia is unhappy as she sees this as a demotion. Advise Professor Cynthia what her rights and cause of action are under Industrial Relations. You must cover all aspects of her situation, including the steps she must take if she wishes to solve her workplace problem.

(25 marks)

**Continued.....**

**QUESTION 3**

Explain what are organising disputes and recognition disputes which may arise between the Employer and the trade union.

(25 marks)

**QUESTION 4**

What is the meaning of “employment injury” in the context of the **Employees’ Social Security Act 1969**? Explain in detail two cases where the Courts have held that the Employees had incurred “employment injury” and could successfully claim employment injury insurance. Set out the facts and the decision of the cases as well the reasons for the decisions.

(25 marks)

**TOTAL: 100 Marks**

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